

Message Text

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ACTION OFA-01

INFO OCT-01 ARA-10 EUR-12 ISO-00 OES-05 INT-05 CIAE-00

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FM AMEMBASSY SAN SALVADOR

TO SECSTATE WASHDC 8057

INFO AMEMBASSY MEXICO

AMEMBASSY PANAMA

AMEMBASSY CARACAS

AMEMBASSY BRASILIA

AMEMBASSY BOGOTA

AMEMBASSY GEORGETOWN

AMEMBASSY PARIS

AMCONSUL MARTINIQUE

UNCLAS SAN SALVUDOR 1832

E.O. 11652 - N/A

TAGS: EFIS, ES

SUBJ: FISHERIES LAW OF EL SALVADOR

REF: STATE 093577

1. EL SALVADOR DIVIDES OCEAN FISHERIES INTO FOUR ZONES.

A) ONSHORE COVERS COASTAL AREAS TO 12 MILES; B) OFFSHORE COVERS THE ZONE BETWEEN 12-200 MILES AND C) HIGH SEAS, BEYOND 200 MILES. A FOURTH ZONE, D) CALLED OFFSHORE COMMERCIAL FISHING (PESCA MARITIMA DE ALTURA) EXTENDS FROM 60 NAUTICAL MILES TO 200 NAUTICAL MILES.

2. EXISTING LAWS AND REGULATIONS PROTECT TURTLES AND LOBSTERS WITH EGGS, BUT OTHERWISE MERELY AUTHORIZE THE GOES TO ESTABLISH CONTROLS ON SPECIES TO BE FISHED, AREAS OPEN TO FISHING AND CONSERVATION, SANITATION AND HEALTH REGULATIONS APPLICABLE TO FISHERIES. IN PRACTICE THERE ARE UNCLASSIFIED

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FEW RESTRICTIONS.

3. LICENSES ARE REQUIRED FOR PURELY COMMERCIAL FISHING IN ZONES A), B), C) AND D) (IN ZONE C, ONLY FOR FISHERMEN SUBJECT TO GOES JURISDICTION). IN ZONES A), B) AND C) LICENSES CAN BE ISSUED ONLY TO SALVADORANS OR CORPORATIONS AT LEAST 50 PERCENT SALVADORAN OWNED. LICENSES ARE VALID FOR FIVE YEARS AND ARE SUBJECT ONLY TO MINIMAL FISCAL FEES WHICH VARY BY THE CASE. FISHING VESSELS MUST BE REGISTERED IN EL SALVADOR.

4. COMMERCIAL FISHING IN ZONE D) IS SUBJECT TO ISSUANCE OF A 10 YEAR PERMIT BUT THESE ARE AVAILABLE TO NON-SALVADORANS AND BOATS NEED NOT BE REGISTERED HERE. PERSONS OR COMPANIES REQUESTING PERMITS MUST HAVE A RESPONSIBLE PROPERLY DESIGNATED LEGAL REPRESENTATIVE IN EL SALVADOR.

5. ALL LICENSES AND PERMIT HOLDERS MAY QUALIFY FOR FISCAL AND CUSTOMS INCENTIVES DESIGNED TO ENCOURAGE DEVELOPMENT OF THE FISHERIES INDUSTRY. IN SOME CASES THEY MAY BE REQUIRED TO GIVE PRIORITY FOR PURCHASE OF THEIR CATCHES TO THE LOCAL MARKET, BUT PRICES ARE NOT CONTROLLED.

6. THE USE OF GEAR WHICH DAMAGES SPAWNING GROUNDS FOR SHELL FISH AND OTHER VALUABLE SPECIES, OR WHICH INTERFERES WITH NAVIGATION OR NATURAL WATER FLOWS IS PROHIBITED. NO SPECIES ARE SPECIFICALLY RESERVED FOR LOCAL FISHERMEN ALTHOUGH, IN PRACTICE, ONSHORE COMMERCIAL FISHING IS IN THEIR HANDS.

7. THERE ARE NO NATIONAL ORIGIN, LICENSING OR PERMIT RESTRICTIONS ON OCEAN SPORTS FISHING AND HUNTING SCIENTIFIC FISHING AND HUNTING, FISHING AND HUNTING FOR DOMESTIC USES OR MIXED ACTIVITIES, I.E. IN WHICH FISHERMAN CATCHES BOTH FOR DOMESTIC CONSUMPTION AND SMALL SCALE SALES. HOWEVER, GOES GUIDELINES, RESTRICTING SPECIES, SIZE, TIME AND PLACE OF FISHING OR HUNTING DO APPLY TO BOTH LICENSES, PERMIT HOLDERS AND THE ABOVE CATEGORIES.

8. COMMENT: IN PRACTICE, EL SALVADOR DOES NOT AND CANNOT EXERCISE EFFECTIVE CONTROL OVER OCEAN FISHING BY OTHER THAN SALVADORANS. FOREIGN FLAGGED VESSELS REGULARLY USE SALVADORAN PORTS, UNCLASSIFIED

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PAYING STANDARD FEES. THE GOES WISHES TO PROMOTE THE OCEAN FISHING INDUSTRY HERE AND, PROVIDING FOREIGN FIRMS ACT IN GOOD FAITH, WILL PROBABLY FACILITATE THEIR ACTIVITIES WITHIN ZONE D.

9. A COPY OF SALVADORAN FISHERIES LAW AND REGULATIONS AS AMENDED IS BEING FORWARDED BY SEPARATE AIRGRAM. CAMPBELL

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